

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PARKS PHARMACY, INC., and
DEMETRIUS YVONNE PARKS,

Plaintiffs,

V.

OPTUMRX, INC.,

Defendant.

CASE NO. 2:19-CV-611-WKW
[WO]

ORDER

Before the court is Plaintiffs' motion to withdraw their opposition to Defendant's motion to compel arbitration. (Doc. # 38.) As grounds, Plaintiffs assert that they "desire to pursue settling" their claims in binding arbitration. (Doc. # 38.) Based upon careful consideration, it is ORDERED that the motion (Doc. # 38) is GRANTED to the extent that the motion to compel arbitration (Doc. # 9) is deemed unopposed.

Furthermore, based upon a review of the record, it is ORDERED as follows:

(1) Defendant's unopposed motion to compel arbitration (Doc. # 9) is GRANTED.

(2) Pursuant to 9 U.S.C. § 4, Plaintiffs are ORDERED to submit this dispute to arbitration in the manner provided in the arbitration agreements (*see* Doc. # 10).

(3) This action is DISMISSED without prejudice. Either party may move to reopen this action in order to enforce, vacate, or modify an award resulting from the arbitral proceedings, if necessary and appropriate. *See* 9 U.S.C. § 9 (providing the procedures for confirmation of an arbitration award in a United States district court); *id.* § 10(a) (delineating four, narrow grounds for seeking vacatur of an arbitration award); *id.* § 11 (setting forth the permissible bases for seeking modification of an arbitration award).

(4) Defendant's motion for dismissal with prejudice (Doc. # 9) is DENIED.

DONE this 8th day of September, 2021.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE